

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Earl Eugene Pitts

Case:2:20-mj-30013
Judge: Unassigned,
Filed: 01-13-2020 At 03:33 PM
USA V PITTS (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 13, 2020 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 USC § 922(n)

Receipt of a firearm by a person under indictment

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: JAN 13 2020

City and state: Detroit, Michigan


Complainant's signature

Brett J. Brandon, Special Agent (ATF)
Printed name and title


Judge's signature

Hon. R. Steven Whalen, United States Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

I, Brett J. Brandon, being first duly sworn, hereby state:

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Department of Justice, assigned to the Detroit Field Division since July 2013. I graduated from the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. During my employment with ATF, I have conducted and/or participated in numerous criminal investigations involving the illegal possession, use, and sale of firearms, drug trafficking violations, and criminal street gangs.
2. I make this affidavit from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.
3. ATF is currently conducting a criminal investigation concerning Earl Eugene PITTS (B/M; DOB: XX/XX/1999) for violations of 18 U.S.C. §

922(n) – Receipt of a Firearm by a Person under Indictment, among other state and federal criminal violations.

PROBABLE CAUSE

4. Affiant reviewed Detroit Police Department reports concerning two separate shootings occurring on November 15, 2019 and December 23, 2019, in which officers recovered 9mm fired cartridge cases and investigated EARL PITTS as a suspect.
5. Affiant reviewed Detroit Police Department CR No. 191150301, documenting the November 15, 2019 non-fatal shooting of RC in the area of Schoolcraft Avenue and Rutland Street in Detroit, Michigan. According to RC and other witnesses, a blue Pontiac G6 occupied by four black males pulled up next to RC's vehicle near the intersection of Schoolcraft Avenue and Rutland Street in Detroit, Michigan. RC observed a black male, light complexion wearing a black jacket and black knit hat seated in the front passenger seat of the G6, point a handgun with a weapon mounted light at RC and fire approximately two to three shots, striking RC in the left arm. RC drove to 1XXXX Faust Street in Detroit, Michigan and informed his family of the incident. RC's father, KC, drove RC to the Family Dollar, located at 1XXXX Schoolcraft Avenue, to purchase bandages for the gunshot wound. Upon entering the parking lot, RC noticed the blue Pontiac

G6 in the parking lot. RC observed a black male step out from the rear of the G6 and begin firing shots at RC, KC, and their vehicle. KC ducked and a bullet struck the bill of his hat. KC a Concealed Pistol License (CPL) holder, returned fired with his .45 caliber pistol. KC then got back into his vehicle and drove RC back to 1XXXX Faust Avenue in Detroit, Michigan. Officers responded to the Family Dollar shortly thereafter and a witness advised the G6 pulled into the apartment complex around the corner, located at 1XXXX Southfield Road. Officers located the G6 with an apparent bullet hole in the driver's door and shattered driver's window, in the apartment complex parking lot. A witness told the officers the owners of the vehicle lived in the 1XXXX Southfield Road, Apartment 2X. The officers knocked on the door of the apartment and a female granted the officers permission to enter. At that same time, officers reviewed surveillance video captured at the Family Dollar, which showed the passenger of KC's vehicle firing shots at the G6 and then the driver of the G6, a black male wearing a red hooded sweatshirt and black male passenger, wearing a black Nike jogging suit exited the vehicle and began firing at KC's vehicle. Officers located EARL PITTS and JUHMELLE PITTS in the apartment, who matched the description of the G6 occupants firing at KC's vehicle in the surveillance video, and arrested them on outstanding traffic warrants. The officers

obtained and served a search warrant for the apartment and recovered an Aero Precision 15x rifle from the front closet, a Century Arms Zastava PAP M92PV 7.62 x 39 caliber pistol from under the sink in the kitchen loaded with a double-stacked large capacity magazine, a Glock 30 .45 caliber pistol from inside a Ramen Noodle box located on top of the refrigerator, a fifty round "drum" magazine inside the freezer, and a Glock 22 .40 caliber pistol in the dresser in the northeast bedroom. Evidence technicians processed the shooting scene and recovered five 9mm fired cartridge cases, seven .45 caliber fired cartridge cases, three bullet fragments, and one fired bullet from the Family Dollar parking lot. Officers also obtained a search warrant for the G6 and recovered one .45 caliber fired cartridge case and two 9mm fired cartridge cases from inside the Pontiac G6.

6. Affiant reviewed Detroit Police Department CR No. 1912230336, documenting the December 23, 2019 non-fatal stabbing of Juvenile 1 and shots fired at 1XXXX Ridge Road in Detroit, Michigan at approximately 7:00 pm. On December 23, 2019, officers responded to a report of shots fired at 1XXXX Ridge Road in Detroit, Michigan. Officers followed a trail of blood to the upstairs bedroom and located Juvenile 1 with a large amount of blood coming from his left hand. Officers interviewed the homeowner, who stated his child's mother, DPB was upset she could not see their

daughter on her birthday and came to the residence with EARL PITTS and several others. The homeowner observed his child's mother holding a knife standing and the front door and proceeded to lock the upstairs door. The homeowner's current girlfriend, ML, went outside into the driveway and DPB threatened to attack her. At that time, ML's son, Juvenile 1, got in between them. DPB swung the knife and cut Juvenile 1 several times. During this time, the homeowner observed EARL PITTS holding a handgun. After the stabbing, the homeowner observed DPB, EARL PITTS, and the others got into a green or blue Ford Winstar and drive north on Ridge Street. At that time, the homeowner heard approximately ten gunshots. Officers recovered eleven 9mm fired cartridge cases from the driveway and Ridge Road just north of the residence.

7. The Detroit Police Department entered a representative image of the 9mm fired cartridge cases recovered from the November 15, 2019 shooting scene and the Pontiac G6 and the 9mm fired cartridge cases recovered from the December 23, 2019 shooting scene into the Integrated Ballistic Identification System (IBIS). IBIS is the platform connecting the National Integrated Ballistic Information Network (NIBIN), the ATF administered automated ballistic imaging technology used to acquire digital images of markings made by a firearm on fired cartridge cases. The NIBIN National Correlation

and Training Center (NNCTC) reviewed the images and issued a high confidence lead indicating the 9mm fired cartridge cases recovered in both shootings were likely fired from the same firearm. Furthermore, the lead indicated the cases exhibit an “elliptical” type firing pin impression and a rectangular type aperture impression (the aperture is the hole the firing pin passes through when a firearm is discharged). To date, these markings are unique to Glock pistols and Smith and Wesson Sigma series pistols.

According to ATF interstate Nexus Expert, Special Agent Michael Jacobs, both Glock and Smith and Wesson sigma series pistols are “firearms” as defined under 18 U.S.C. § 921 and manufactured outside of the state of Michigan, having traveled in and affected interstate commerce.

8. On January 13, 2020, the Livonia Police Department conducted a traffic stop of a blue Chrysler Town and Country in the area of Six Mile Road and Neganuee in Livonia, Michigan. The officers stopped the vehicle for displaying a temporary license plate, which returned no record in the Michigan Law Enforcement Information Network (LEIN) and a broken left tail light. The officer investigated the driver, who stated she did not have a valid driver’s license. The officer arrested the driver for driving without a license. The officer then identified and investigated the front passenger and arrested him pursuant to an outstanding warrant. During a search incident to

arrest of the front passenger, the officer heard furtive movements in the back of the vehicle. During the investigation, the officers observed three additional occupants in the vehicle, two females in the second row and one male in the third row. The officers removed the second row occupants from the vehicle, conducted consent pat down searches and secured them on the bumper of the patrol car. The officer then removed the third row passenger from the vehicle. The third row passenger initially provided the officers a false name, but later identified himself as EARL EUGENE PITTS. Officers queried LEIN and arrested PITTS pursuant to an outstanding felony warrant for a probation violation issued by Michigan Third Circuit Court.

9. During an inventory search of the vehicle conducted on scene, the officers recovered one Glock 19 9mm caliber pistol bearing serial number "BKFN666", a thirty round pistol magazine, and a fifteen round pistol magazine from the left rear well compartment (accessible from the third row). Affiant is aware 9mm ammunition shot from this firearm would produce 9mm caliber fired cartridge cases with markings similar to those exhibited on the fired cartridge cases recovered in the November 15, 2019 and December 23, 2019 shootings involving PITTS.
10. The Livonia Police Department Dispatch queried the VIN and discovered the vehicle was stolen in Detroit on December 4, 2019. Affiant reviewed

Detroit Police Department CR No. 1912060175, which revealed the vehicle was stolen on December 4, 2109 from the area of 7XXX Westwood Street in Detroit, Michigan and reported stolen by the rightful owner on December 6, 2019.

11. Affiant also reviewed Detroit Police Department CR No. 1912050200. On December 5, 2019, the Detroit Police Department conducted a traffic stop of the vehicle in the area of Schoolcraft Road and Woodmont Street for an improperly displayed temporary license plate and arrested the driver, PITTS, pursuant to an outstanding felony warrant for a probation violation issued by Michigan Third Circuit Court.

12. Affiant reviewed LEIN records, Michigan Third Circuit Court records, and Detroit Police Department reports associated with EARL PITTS and learned the following:

- a. On October 4, 2018, EARL PITTS pled guilty in Michigan Third Circuit Court to Weapons – Carrying Concealed (CCW). On October 25, 2018, Judge Wanda A. Evans sentenced EARL PITTS to two years of probation under the provisions of the Holmes Youthful Trainee Act (HYTA). Affiant is aware an individual sentenced to HYTA probation qualifies as “any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year”

for the purposes of 18 U.S.C. § 922(n) based upon prior investigations involving the receipt of firearms by individuals on HYTA. On December 6, 2019, EARL PITTS was arraigned for violating the terms of his probation and Judge Evans ordered a GPS tether as a part of the bond provisions. The Wayne County Electronic Monitoring Unit reviewed PITTS' GPS tether data on January 13, 2020, which placed PITTS at the Livonia Police Department shortly after his arrest (confirming his identity).

13. A Detroit Police Department Crime Intelligence Analyst queried Detroit Police Department records for the Glock 19 9mm caliber pistol bearing serial number "BKFN666" and identified Detroit Police Department CR No. 1908270055. According to the report, the rightful owner of the pistol reported it stolen to the Detroit Police Department on August 27, 2019. The rightful owner told the officer two black males robbed him at gunpoint and stole the firearm. Based on the fact the firearm was reported stolen on August 27, 2019, after PITTS was sentenced to HYTA probation, PITTS took receipt of the firearm while under indictment.

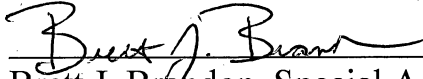
14. On January 13, 2020, Affiant contacted ATF Interstate Nexus Expert, Special Agent Michael Jacobs and provided a verbal description of the firearm. Based upon the verbal description, Special Agent Jacobs advised

the firearm is a firearm as defined under 18 U.S.C. § 921 and manufactured outside of the state of Michigan after 1898, and therefore had traveled in and affected interstate commerce.


CONCLUSION

15. Based upon the aforementioned facts stated herein, there is probable cause to believe Earl Eugene PITTS (B/M; DOB: XX/XX/1999), a person under indictment, did knowingly and intentionally possess one (1) Glock 19 9mm caliber pistol bearing serial number "BKFN666", a firearm having affected interstate commerce, in violation of 18 U.S.C. § 922(n) – Receipt of a Firearm by a Person under Indictment. Said violation occurring on January 13, 2020, in the city of Livonia, in the County of Wayne, in the Eastern Judicial District of Michigan.

Respectfully submitted,


Brett J. Brandon, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence.



Hon. R. Steven Whalen
United States Magistrate Judge

Dated:

JAN 13 2020